IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5984 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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KANKARIA CHEMICAL IND. LTD.

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 5984 of 1985

MR VB PATEL for Petitioner No. 1

MR A. HAMEED KURESHI for Respondent No. 1

MR BHARAT T RAO for Respondent No. 2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 18/09/2001

ORAL JUDGEMENT

#. This court is informed by the advocate that the petitioner - company is already ordered to be wound up and that the Official Liquidator has already been

appointed. Mr.Patel for the petitioner states that, therefore, he has no authority to proceed further with the mater since the company is ordered to be wound up. This court is also informed by the advocate that the petitioner has already informed the Official Liquidator by letter dated 3.9.2001 about the present proceedings, but it seems that, no steps have been taken by the Liquidator regarding the present proceedings. Since the petitioner company is ordered to be wound up and since Mr.Patel states that he has no instructions in the matter at all, it is now not necessary to adjudicate the dispute raised in this petition at the instance of the petitioner company.

#. Mr.Rao appearing for respondent No.2 states that, respondent NO.2 will lodge the appropriate claim before the Liquidator and will take out appropriate proceedings under the Companies Act and will also take appropriate proceedings under the provisions of P.F.Act for the purpose of recovering the amount of PF of the workmen from the assets of the petitioner company.

#. It is clarified that, in case, the Liquidator wants to revive these proceedings, it will be open for him to file appropriate application giving proper details. Copy of this order may be sent to the office of the Official Liquidator Mr.K.A.Kuvadia, for information and knowledge. Mr.Rao has given the address of the office of the Official Liquidator which reads as under:

Mr.K.A.Kuvadia,
Official Liquidator,
Jivabhai Chambers,
Ashram Road,
Ahmedabad.

#. In view of what is stated above, nothing further is required to be done in the matter. The petition is accordingly disposed of. Rule is discharged with no order as to costs.

(P.B.Majmudar,J)
(pathan)